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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/470,428 12/22/99 NEAL

G 8864/8

BRINKS HOFER GILSON & LIONE  
PO BOX 10395  
CHICAGO IL 60610

MMC1/0420

EXAMINER

WAKS, J

ART UNIT

PAPER NUMBER

2834

DATE MAILED:

04/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. 09/470,428	Applicant(s) NEAL, GRIFFITH D.	
	Examiner Joseph Waks	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The Information Disclosure Statements filed between Jun 16, 2000 through February 2, 2001 (Paper No's. 2-5), have been placed in the application but references will not be considered by the examiner. Applicant(s) inundated the Examiner with a large volume of prior art that is not material and may obscure a single reference that is material and thus may be effective as improper as withholding a material reference. *Ex Parte Morning Surf Corp.*, 230 USPQ 446, and *Penn Yan Boats, Inc. v. Sea Lark Boats, Inc.*, 359 F. Supp. 948, 175 USPQ 260 (S.D. Fla. 1972).

"Significantly, an applicant's duty of disclosure of material and information is not satisfied by presenting a patent examiner with "a mountain of largely irrelevant material from which he is *presumed* to have been able, with his expertise and with adequate time, to have found the critical material. It ignores the real world conditions under which examiners work." *Rohm & Haas Co. v. Crystal Chemical Co.* 722 F.2d 1556, 1573 [220 USPQ 289], (Fed.Cir., 1983).

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In line 1, "The present invention" is a phrase which can be implied, and "comprising" is a legal phraseology

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. **Claims 1-4, 6, 10, 14-16** are rejected under 35 U.S.C. 102(b) as being anticipated by

**Yamano (US 5,783,888).**

**Yamano** discloses in Figure 2 invention as claimed: a spindle motor having a rotating shaft 3, a disc support member 5a attached to the shaft and including a permanent magnet 5b, a lower bearing 2a and an upper bearing 2b surrounding the shaft, a stator 6, and a monolithically formed body 21, 27 substantially encapsulating the stator and configured to align the shaft, the disc support and the bearing wherein the body surrounds the bearings.

5. **Claims 1, 3, 5-8, 11-15, and 17-19** are rejected under 35 U.S.C. 102(e) as being anticipated by **Shioya et al. (US 5,942,824).**

**Shioya et al.** disclose in Figure 7 a high speed spindle motor comprising a fixed shaft 62, a disc support member 90 attached to the shaft and including a permanent magnet 140, lower bearing and upper bearings 66 surrounding the shaft, a stator 60, a monolithically formed body 126, 124 substantially encapsulating the stator and configured to align the shaft, the disc support

and the bearing, the mounting feature 122, a substantially encapsulated insert 72, and a second, enhancement magnet 85 being a part of a magnetic bearing.

Re claim 6, **Shioya et al.** disclose in Figure 16 the shaft freely rotatable relative to the body.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 9 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shioya et al.** (US 5,942,824) in view of **Kurosawa et al.** (US 6,043,583).

**Shioya et al.** disclose the high speed spindle motor essentially as claimed. However, **Shioya et al.** fail to disclose the motor having the permanent magnet concentrically disposed around the stator.

**Kurosawa et al.** disclose in column 1, lines 10-35 that the structures of inner and outer rotors are commonly used in spindle motors serving disc drives

It would have been an obvious matter of design choice to design the motor as taught by **Shioya et al.** and to provide the motor structure of an inner or outer rotor as taught by **Kurosawa et al.** for service as disc drive rotors for computer or since applicant has not disclosed that the inner or outer rotor structure solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with an inner, outer or an axial gap rotor stator configuration.

*Prior Art*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Waks whose telephone number is (703) 308-1676. The examiner can normally be reached on Monday through Thursday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor R Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.



JOSEPH WAKS

PATENT EXAMINER

TC-2800

JW  
April 10, 2001